

1 Adopt 2 Cal. Code Regs. Section 18951:

2 **§18951. Surplus Funds.**

3 For purposes of Government Code section 89519:

4 (a) Campaign funds raised after January 1, 1989, under the control of a candidate  
5 or elected officer shall be considered surplus campaign funds on the following dates:

6 (1) Incumbent Candidates: The date on which an incumbent candidate leaves any  
7 elective office for which the campaign funds were raised, or, if the candidate is defeated  
8 for reelection, the end of the postelection reporting period following his or her defeat,  
9 whichever is later. An incumbent candidate who wishes to use funds for a future election  
10 must transfer those funds to a new committee for a future election prior to this date.

11 **{Decision 1: Option A:**

12 [(2) Withdrawn and Non-Incumbent Defeated Candidates: The end of the  
13 postelection reporting period following the election in which the candidate was defeated  
14 or from which the candidate withdrew. A defeated non-incumbent candidate or candidate  
15 who withdraws from an election who wishes to use funds for a future election must  
16 transfer those funds to a new committee for a future election prior to this date.]

17 **Option B:**

18 [(2) Non-Incumbent Defeated Candidates: The end of the postelection reporting  
19 period following the election in which the candidate was defeated. A candidate who  
20 withdraws from an election is considered a non-incumbent defeated candidate for  
21 purposes of this regulation. A defeated non-incumbent candidate who wishes to use  
22 funds for a future election must transfer those funds to a new committee for a future  
23 election prior to this date.]

1       (3) Deceased Candidates: Funds belonging to a candidate who dies while in office  
2 or while running for office shall become surplus on the earlier of either June 30 or  
3 December 31 following the candidate's death.

4       (b) The "end of the postelection reporting period" means June 30 with respect to  
5 elections occurring in the first six months of the calendar year and December 31 for  
6 elections occurring in the latter six months of the calendar year.

7       (c) Campaign funds are "raised" at the time the funds are received, as disclosed  
8 on the candidate's campaign statements pursuant to 2 Cal. Code Regs. section 18421.1.

9       (d) Campaign funds raised on or before January 1, 1989, which have been  
10 commingled with campaign funds raised after January 1, 1989, are presumed to have  
11 been raised after January 1, 1989.

12       (e) Except as provided by Government Code section 85315, campaign funds  
13 raised by: (1) a committee, other than a candidate controlled committee; (2) a candidate  
14 controlled ballot measure committee; or (3) a candidate on or before January 1, 1989, that  
15 are not commingled with funds raised after that date, {Option A: [are not considered  
16 surplus funds for purposes of this section] Option B: are governed by Government Code  
17 sections 89511 through 89518 and 89520 through 89522] Option C: [are not considered  
18 surplus funds for purposes of this section and are governed by Government Code sections  
19 89511 through 89518 and 89520 through 89522}}.

20 NOTE: Authority cited: Section 83112, Government Code.  
21 Reference: Section 89519, Government Code.

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